

OD-4

ORDER SHEET

IA No.GA/13/2024
IN
CS/563/1975
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

AMRIT LALL SHAW
VS.
SMT. SHYAMA JAISWAL & ORS.

BEFORE:
The Hon'ble JUSTICE BIVAS PATTANAYAK
Date: 19th November, 2024.

Mr. Sukrit Mukherjee, Mr. Paritosh Sinha, Mr. Joydeep Roy, Mr.
SourjyaSamanta, Advocates for the plaintiff/applicant.

Mr.Rabindra Kumar Jaiswal, Ms. Manjula Paul, Advocates
for defendant nos. 5(c) to 5(e).

The Court :This is an application for substitution of legal heirs of the
deceased defendant no.5(B) Sanjeeb Kumar Jaiswal.

Mr. Sukrit Mukherjee, learned Advocate appearing for the applicant
submits that during the pendency of the suit defendant no.5(B) Sanjeeb
Kumar Jaiswal has expired on 23rd February, 2024. Consequently upon
getting information of the death of defendant no.5(B) this application has
been filed for substitution of legal heirs of the aforesaid deceased defendant.
There is no intentional delay in filing the application. He submits for
substitution of legal heirs of deceased defendant no.5(B) upon condonation
of delay. He seeks order in terms of prayers (a) to (e) of the Master's
Summons.

At the outset Mr. Rabindra Kumar Jaiswal, learned Advocate appearing for the defendant nos.5(C) to 5(E) informs that the defendant nos.5(C) to 5(E) will not file any affidavit-in-opposition to the instant application. However, opposing such prayer for substitution, he submits that the application for substitution has been filed at a belated stage though the information was provided to the plaintiff way back in the month of April, 2024. Further the applicant by way of present substitution petition has sought for amendment of the plaint, which is not permissible under law.

Upon hearing the learned Advocates for the respective parties and on perusal of the death certificate of the deceased defendant no.5(B) Sanjeeb Kumar Jaiswal and the averments made in the application, let there be an order in terms of prayers (a) to (c) and (e) of the Master's Summons.

Department is directed to carry out the amendment within a period of four weeks from the date of communication of this order.

Upon amendment being carried out, copy of the amended plaint be served upon the answering defendants.

The application being GA/13/2024 stands disposed of.

(BIVAS PATTANAYAK, J.)